

46 Am. Jur. 2d Judges § 53

American Jurisprudence, Second Edition | February 2022 Update

Judges

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VII. Compensation; Benefits; Allowances for Expenses

A. In General

§ 53. Additional compensation of judge

[Topic Summary](#) | [Correlation Table](#) | [References](#)

West's Key Number Digest

West's Key Number Digest, [Judges](#)  22(6)

State statutes sometimes permit judges to receive additional compensation over and above their salaries in special circumstances, such as where they are required to assume additional responsibilities.¹ However, a statutory provision permitting counties to provide additional compensation to general session judges who also exercise juvenile court jurisdiction violates a state constitutional provision which gives the nondelegable power to fix and ascertain the compensation of county judges to the legislature.² A state constitutional provision which guarantees every subject the right to free justice without being obliged to purchase it forbids the payment of a fee to judges for holding a special session and rendering a judicial decision for a party.³ If a state statute prohibits judges from receiving fees in criminal matters, they are not entitled to retain the statutory fee collected by the court from persons convicted of traffic violations and the fee retained by the court to cover certain administrative costs as additional compensation for their services.⁴

A judicial parity statute prohibiting a judge from receiving any additional salary, compensation, emolument, or benefit for services as a judge, except payment of premiums for health, medical, dental, and hospitalization insurance programs, permitted the use of money from a criminal district court's judicial expense fund to purchase long-term care, critical illness, accidental death and dismemberment, and health insurance, but not payments relative to life insurance or an insurance reimbursement program for copayments or other out-of-pocket health expenses; the program to reimburse participants for out-of-pocket medical and dental expenses was not "insurance."⁵

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Footnotes

¹ State ex rel. Nagy v. City of Elyria, 54 Ohio App. 3d 101, 561 N.E.2d 551 (9th Dist. Lorain County 1988).

- 2 Franks v. State, 772 S.W.2d 428 (Tenn. 1989).
3 In re Estate of Dionne, 128 N.H. 682, 518 A.2d 178 (1986).
4 Boagni v. DeJean, 342 So. 2d 270 (La. Ct. App. 3d Cir. 1977), writ denied, 344 So. 2d 671 (La. 1977).
5 In re Derbigny, 2016-921 La. 1/20/17, 2017 WL 243467 (La. 2017).

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